



**Orrick, Herrington & Sutcliffe LLP**

51 West 52nd Street  
New York, NY 10019-6142

+1 212 506 5000

**orrick.com**

**Alex V. Chachkes**

**E** achachkes@orrick.com

**D** +1 212 506 3748

**F** +1 212 506 5151

**Margaret Wheeler-Frothingham**

**E** mwheeler-

frothingham@orrick.com

**D** +1 212 506 3513

October 2, 2020

**Via ECF**

Hon. Katherine Polk Failla  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY, 10007

Re: *Uniformed Fire Officers Association et al v. DeBlasio et al* 1:20-cv-05441-KP

Dear Judge Failla:

Pursuant to Your Honor's individual rules, Intervenor Communities United for Police Reform ("CPR") requests a pre-motion conference regarding its anticipated Motion to Dismiss the First Amended Complaint under Fed. R. Civ. P. 12(b)(6).

CPR has stated in prior briefing many of the grounds on which this case should be dismissed. In response to the Motions to Dismiss filed by CPR and the City (ECF Nos. 220 and 223), Plaintiffs filed an Amended Complaint (ECF No. 226) attempting to cure pleading deficiencies and re-frame certain claims. So that it may specifically address the deficiencies of Plaintiffs' claims and allegations as now pled, CPR now intends to move to dismiss the First Amended Complaint.

CPR has conferred with counsel for Plaintiffs and for the City Defendants on a briefing schedule. All Parties consent to the motion and the proposed schedule briefing schedule below:

|                   |   |
|-------------------|---|
| October 16        | City Defendants' and CPR's Motions to Dismiss the FAC |
| November 6, 2020  | Plaintiffs' Opposition to Motions to Dismiss          |
| November 20, 2020 | Replies in Support of Motions to Dismiss              |

CPR respectfully requests that the Court issue an Order setting the briefing schedule agreed to by the Parties.



Hon. Katherine Polk Failla  
October 2, 2020  
Page 2

Respectfully submitted,

/s/ Alex V. Chachkes  
Alex V. Chachkes

/s/ Margaret L. Wheeler-Frothingham  
Margaret L. Wheeler-Frothingham

cc (via ECF):  
All counsel of record

The Court is in receipt of the above letter from Intervenor CPR. Given the extensive prior briefing and argument on the issues likely to be addressed in a motion to dismiss, the Court will dispense with the pre-motion conference and adopt the parties' proposed briefing schedule. The City Defendants and CPR are hereby ORDERED to file any motion to dismiss the First Amended Complaint on or before **October 16, 2020**; Plaintiffs will file their opposition on or before **November 6, 2020**; and the City and CPR will file their replies on or before **November 20, 2020**.

Dated: October 5, 2020  
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE